

REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION  
(9 VAC 5 CHAPTERS 40 AND 50)

9 VAC 5 CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
Emission Standards.

ARTICLE 1.  
Visible Emissions and Fugitive Dust/Emissions (Rule 4-1).

9 VAC 5-40-90. Standard for fugitive dust/emissions.

No owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition.

3. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be

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employed during sandblasting or other similar operations.

4. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion.

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

9 VAC 5-40-120. Waivers.

A. A waiver from the opacity emission limitation in 9 VAC 5-40-80 may be granted by the ~~executive~~ director, provided that a technical decision is reached that the plume opacity observations made in accordance with 9 VAC 5-40-20 and 9 VAC 5-40-110 are not representative of the pollutant loading of the plume.

B. Upon granting the above waiver, the ~~executive~~ director shall require one or more alternate source surveillance methods, which ~~methods~~ may include, but are not limited to, the following:

1. Requiring the owner to install, calibrate, maintain and operate systems for continuously monitoring and recording emissions of specified pollutants in

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accordance with 9 VAC 5-40-40 and 9 VAC 5-40-100.

2. Requiring the owner to conduct, at specified intervals, emission tests for measuring emissions of specified pollutants in accordance with 9 VAC 5-40-30.

3. Establishing an opacity emission limitation for the facility based on a correlation between tests of visible and other specified pollutant emissions.

C. The waiver may be granted for an indefinite period of time; however, approval may be withdrawn by the ~~executive~~ director:

1. For failure to adhere to any terms or conditions of the waiver;
2. If the affected facility is found to be in violation of any applicable emission standard; or
3. For failure to conduct or adhere to any alternate source surveillance method required for waiver approval.

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9 VAC 5 CHAPTER 50.

NEW AND MODIFIED STATIONARY SOURCES.

PART II.

Emission Standards.

ARTICLE 1.

Standards of Performance For Visible Emissions  
and Fugitive Dust/Emissions (Rule 5-1).

9 VAC 5-50-90. Standard for fugitive dust/emissions.

During the construction, modification or operation phase of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Used, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

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2. Application of asphalt, oil water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

9 VAC 5-50-120. Waivers.

A. A waiver from the opacity emission limitation in 9 VAC 5-50-80 may be granted by the executive director, provided that a technical decision is reached that the plume opacity observations made in accordance with 9 VAC 5-50-20 A 2 and 9 VAC 5-50-110 are not representative of the pollutant loading of the plume.

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B. Upon granting the above waiver, the ~~executive~~ director shall require one or more alternate source surveillance methods, which may include, but are not limited to, the following:

1. Requiring the owner to install, calibrate, maintain and operate systems for continuously monitoring and recording emissions of specified pollutants in accordance with 9 VAC 5-50-40 and 9 VAC 5-50-100;

2. Requiring the owner to conduct, at specified intervals, performance tests for measuring emissions of specified pollutants in accordance with 9 VAC 5-50-30; and

3. Establishing an opacity emission limitation for the facility based on a correlation between performance tests of visible and other specified pollutant emissions.

C. The waiver may be granted for an indefinite period of time; however, approval may be withdrawn by the ~~executive~~ director:

1. For failure to adhere to any terms or conditions of the waiver;

2. If the affected facility is found to be in violation of any applicable

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standard of performance; or

3. For failure to conduct or adhere to any alternate source surveillance  
method required for waiver approval.

CERTIFICATION

REGULATION 9 VAC 5 CHAPTERS 40 AND 50 , REVISION C00  
CONCERNING  
VISIBLE EMISSIONS AND FUGITIVE DUST/EMISSIONS

I certify that this regulation is full, true, and correctly dated.

Signature: \_\_\_\_\_

Name of Certifying Official: Robert G. Burnley

Title: Director

Agency: Department of Environmental Quality

Date: \_\_\_\_\_